



2300 Lake Elmo Drive  
Billings MT 59105

07/13/2017

## EA NOTICE

TO: Environmental Quality Council\*  
Director's Office, Dept. of Environmental Quality\*  
Montana Fish, Wildlife & Parks\*  
    Director's Office  
    Parks Division  
    Fisheries Division  
    Wildlife Division  
    Comm Ed Division  
    Lands Section  
    Design & Construction  
    Legal Unit  
    Regional Supervisors  
John Tubbs, Governor's Office\*  
Dave Parker, Communications Director, Governor's Office\*  
Montana Historical Society, State Preservation Office\*  
Janet Ellis, Montana Audubon Council\*  
Montana Wildlife Federation\*  
Montana State Library\*  
James Domino, DNRC\*  
George Ochenski  
William Semmens, MDT\*  
Bob Gibson\*  
Brett French\*  
Montana Environmental Information Center\*  
Wayne Hirst, Montana State Parks Foundation\*  
FWP Commissioner Matt Tourtlotte\*  
Montana Parks Association/Our Montana (land acquisition projects)  
Matt Wolcott, DNRC Area Manager, Southern Land Office\*  
Carbon County Commissioners\*  
Crow Reservation\*  
Northern Cheyenne Reservation\*  
Other Local Interested People or Groups\*  
\* (Sent electronically)

Ladies and Gentlemen:

Attached for your review is a Draft Environmental Assessment (EA) outlining Montana Fish, Wildlife and Parks (FWP) proposal to accept the donation of 1.5 acres from Carbon County along the Clarks Fork Yellowstone River at Edgar, Montana. This property will be developed as a state fishing access site (FAS) to provide additional public access to the Clarks Fork Yellowstone River. Proposed developments include a designated parking area, a gravel boat ramp, a gravel access road, boundary fencing, and informational signs.

Any questions about this project should be directed to Ryan Taynton (406-633-0081) or Ken Frazer (406-247-2961). All comments must be received by August 21, 2017. Please address written comments to:

Wildcat FAS Proposed Acquisition and Development Project  
Montana Fish, Wildlife and Parks, Region 5  
2300 Lake Elmo Drive  
Billings, MT 59105

Thank you for your interest,

A handwritten signature in black ink, appearing to read "Barb S. Beck". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Barb S. Beck  
Region 5 Supervisor

Enclosure

**DRAFT  
ENVIRONMENTAL ASSESSMENT  
WILDCAT FISHING ACCESS SITE  
PROPOSED ACQUISITION AND  
DEVELOPMENT**



**July 2017**



***Montana Fish,  
Wildlife & Parks***

**Wildcat Fishing Access Site  
Proposed Acquisition and Development  
Draft Environmental Assessment  
MEPA, NEPA, MCA 23-1-110 CHECKLIST**

**PART I. PROPOSED ACTION DESCRIPTION**

**1. Type of proposed state action:**

Montana Fish, Wildlife & Parks (FWP) proposes to accept the donation of 1.5 acres from Carbon County along the Clarks Fork Yellowstone River at Edgar, Montana for the purpose of providing additional public access to the Clarks Fork Yellowstone River and developing a fishing access site (FAS). Proposed developments include a designated parking area, a gravel boat ramp, a gravel access road, boundary fencing, and informational signs.

**2. Agency authority for the Proposed Action:**

The 1977 Montana Legislature enacted Section 87-1-605, Montana Code Annotated (MCA), which directs Montana Fish Wildlife and Parks (FWP) to acquire, develop and operate a system of fishing accesses. The legislature earmarked a funding account to ensure that the fishing access site program would be implemented. Section 87-1-303, MCA, authorizes the collection fees and charges for the use of fishing access sites, and contains rule-making authority for their use, occupancy, and protection. Furthermore, Section 23-1-110, MCA, and Administrative Rules of Montana (ARM) 12.2.433 guides public involvement and comment for the improvements at state parks and fishing access sites, which this document provides.

ARM 12.8.602 requires the Department to consider the wishes of the public, the capacity of the site for development, environmental impacts, long-range maintenance, protection of natural features and impacts on tourism as these elements relate to development or improvement to fishing access sites or state parks. This document will illuminate the facets of the Proposed Action in relation to this rule. See Appendix A for HB 495 qualification.

**3. Name of project:**

Wildcat Fishing Access Site Proposed Acquisition and Development

**4. Project sponsor:**

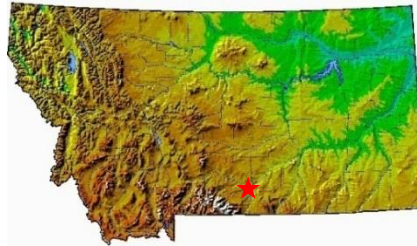
Montana Fish, Wildlife and Parks, Region 5  
2300 Lake Elmo Drive  
Billings, MT59105  
(406) 247-2940

**5. Anticipated Schedule:**

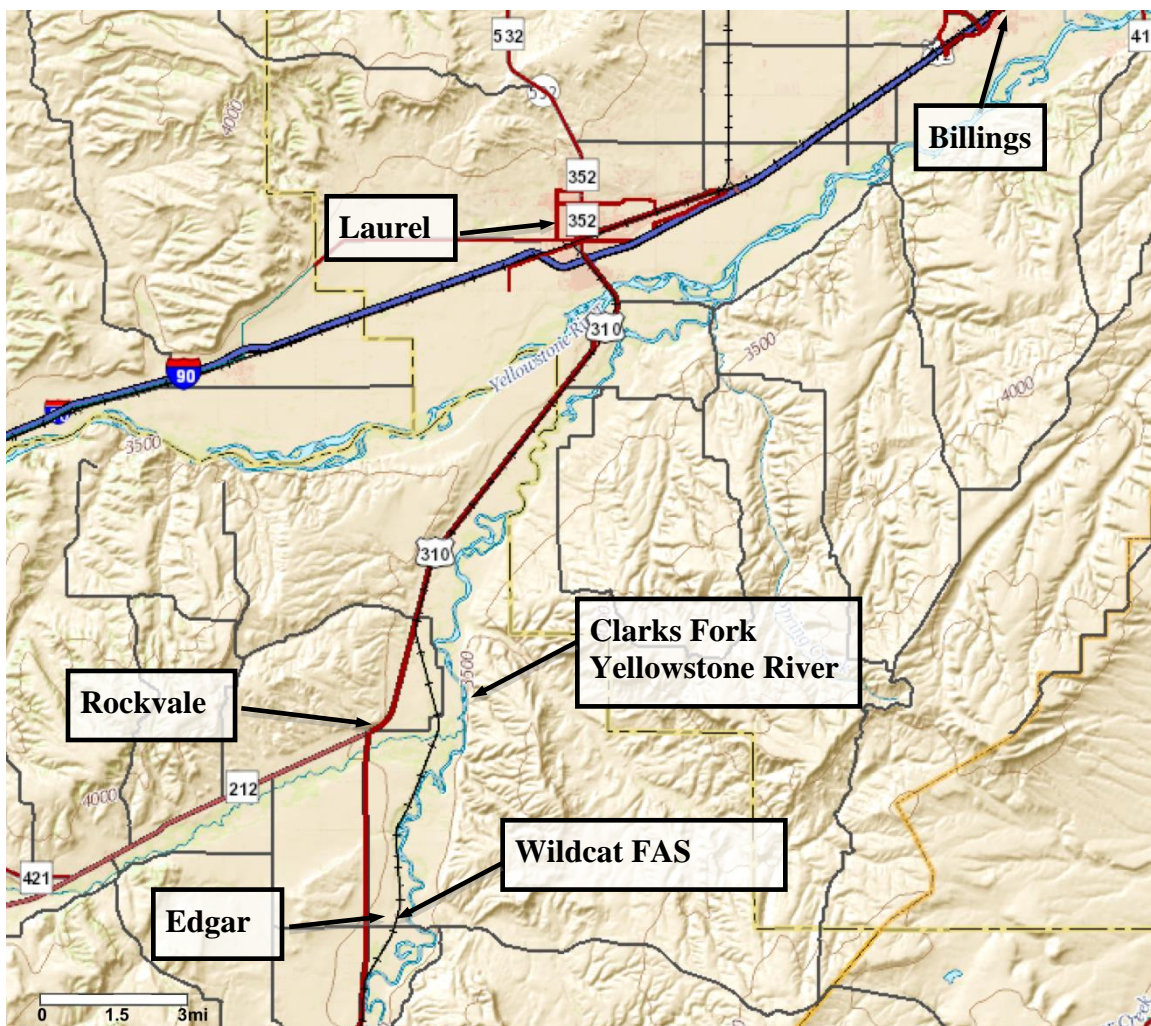
Estimated Public Comment Period: July 2017  
Estimated Decision Notice: August 2017  
Commission Approval Requested to Proceed: August 2017  
Estimated Commencement Date: Fall 2017  
Estimated Completion Date: Winter 2018  
Current Status of Project Design (% complete): 35%

6. **Location:**  
The proposed Wildcat Fishing Access Site is located on the Clarks Fork Yellowstone River along E Pryor Road off MT Highway 310, .4 mile east of Edgar, Montana and approximately four miles south of Rockvale in Carbon County, SE1/4 Section 23 and SW1/4 24, Township 4 South, Range 23 East (Figures 1 and 2).

**Figure 1. General Location of Wildcat FAS**



**Figure 2. Area Location of Wildcat FAS**





**Figure 3. Wildcat FAS Parcel Map, Aerial View**



**7. Project size -- estimate the number of acres that would be directly affected that are currently:**

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>0</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
(b) Open Space/	<u>3/4</u>	Irrigated cropland	<u>0</u>
Woodlands/Recreation		Dry cropland	<u>0</u>
(c) Wetlands/Riparian	<u>3/4</u>	Forestry	<u>0</u>
Areas		Rangeland	<u>0</u>
		Other	<u>0</u>



**Photo 1. View of proposed parking area at Wildcat FAS.**

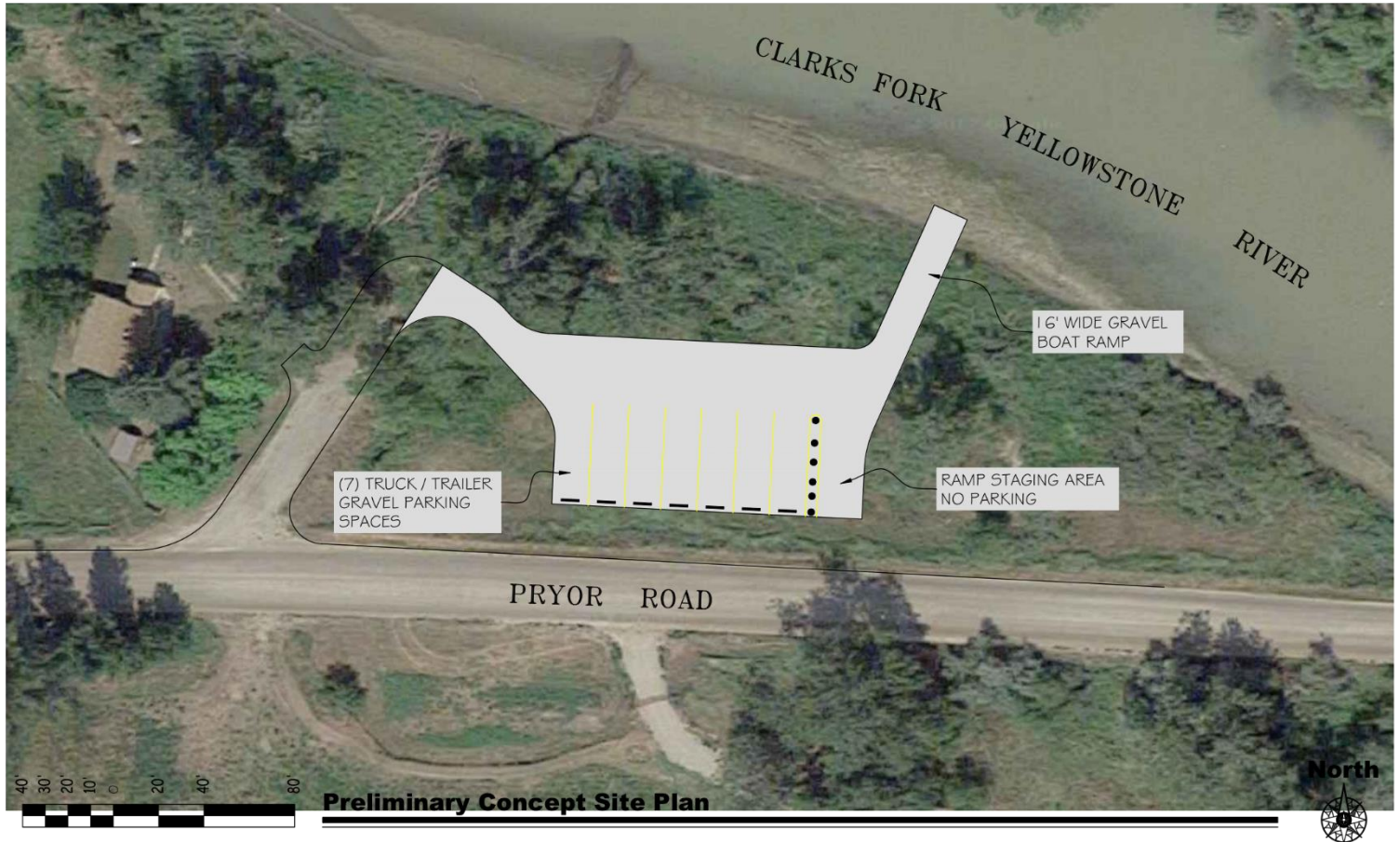


**Photo 2. Riparian vegetation is dense along river bank at Wildcat FAS.**





**Figure 4. Wildcat Preliminary Concept Site Plan**



**8. Permits, Funding & Overlapping Jurisdiction.**

**(a) Permits:** Permits would be filed at least 2 weeks prior to project start.

<u>Agency Name</u>	<u>Permits</u>
Montana Dept. of Environmental Quality	318 Short Term Water Quality Standard for Turbidity
Montana Fish, Wildlife & Parks	124 Montana Stream Protection Act
Carbon County	Floodplain Permit and Sanitation Permit
US Corps of Engineers	404 Federal Clean Water Act

**(b) Funding:**

<u>Agency Name</u>	<u>Funding Amount</u>
Montana Fish, Wildlife & Parks Site Protection Fund	\$18,750
Wallop Breaux Federal Fund	\$56,250
<b>Total</b>	<b>\$75,000</b>

**(c) Other Overlapping or Additional Jurisdictional Responsibilities:**

<u>Agency Name</u>	<u>Type of Responsibility</u>
Natural Heritage Program	Species of Concern ( <i>Appendix B</i> )
State Historic Preservation Office	Cultural Clearance
Carbon County Weed District	Weed Management Coordination



**9. Narrative summary of the proposed action:**

The Clarks Fork Yellowstone River, a tributary of the Yellowstone River, originates in the Absaroka Beartooth Mountains in Montana near the Wyoming boundary and flows southeast through Wyoming for 40 miles before reentering Montana. Though named for Captain William Clark of the Lewis and Clark expedition, Captain Clark was never on the river and only ever saw the mouth of the river where it merges with the main fork of the Yellowstone River near Laurel, Montana. When Captain Clark floated down the Yellowstone on his eastbound return during the Journey of Discovery, he first thought that he had come upon the Bighorn River when he came upon the Clarks Fork Yellowstone River. He later found the Bighorn River so he named the westernmost of the two rivers he had encountered in this area of Montana after himself.

The Clarks Fork Yellowstone River is fed by over a hundred glacial lakes draining the Beartooth Plateau, making it prized by fly fishermen for its entire length. The proposed Wildcat FAS is located on the Clarks Fork Yellowstone River at river mile 22 and would be the only FAS between the mouth and Bridger FAS (river mile 42). The entire Clarks Fork Yellowstone River and its tributaries are open to angling year round, as outlined in the Montana 2017 Fishing Regulations. According to recent FWP surveys, the average angler days per year from 2007 to 2013 on the 42-mile stretch from the mouth (river mile 0) to Bridger (river mile 42) was 891, with a low of 419 in 2011 and a high of 1,487 in 2013. The regional ranking for this stretch of river averaged the 41<sup>st</sup> most fished body of water, and the state ranking for this stretch of river averaged the 326<sup>th</sup> most fished body of water in Montana out of more than 1,400 stream reaches, lakes and reservoirs in Montana surveyed annually by FWP. Because the proposed Wildcat FAS would provide much needed public access to this stretch of the Clarks Fork Yellowstone River, it would likely be frequently used as a put-in and take-out site for floaters and boaters, as well as for anglers on the Clarks Fork Yellowstone River.

Montana Fish, Wildlife & Parks (FWP) proposes to accept the donation of 1.5 acres from Carbon County along the Clarks Fork Yellowstone River at Edgar, Montana in order to provide additional public access to the Clarks Fork Yellowstone River and developing a fishing access site (FAS). Proposed developments include a designated parking area, a gravel boat ramp, a gravel access road, boundary fencing, and informational signs. In addition to improving recreational opportunities along the Clarks Fork Yellowstone River, development of the site will provide an opportunity to improve the riparian vegetation on the site by removing invasive Russian olive trees.

The property would be managed under existing FWP public use regulations. Management of the FAS would include routine maintenance, control of vehicles and firearms, and other accepted FWP recreation area management policies. Protection of the natural resources, the health and safety of visitors, and consideration of neighboring properties would all be considered and incorporated into development plans for this site. The FAS would be for day use only and no overnight camping would be allowed on the site. Archery and shotgun hunting would be allowed on the FAS. Development of Wildcat FAS would provide public access to the Clarks Fork Yellowstone River for fishing, hunting, boating, and floating and provide additional recreational opportunities for hiking, dog walking, picnicking, and wildlife viewing.

**10. Description and analysis of reasonable alternatives:**

**Alternative A: No Action.**

If no action was taken and the 1.5-acre parcel was not acquired and the proposed developments were not constructed, recreational access to this stretch of the Clarks Fork Yellowstone River would continue to be limited and difficult. The public would continue to access the river at bridge crossings or trespass onto private property causing further erosion and sedimentation of the Clarks Fork Yellowstone River, degradation of riparian plant communities, and continued safety hazards. Recreational opportunities for boating, fishing, floating, hunting, picnicking, wildlife viewing, and walking along the Clarks Fork Yellowstone River would also continue to be limited.

**Alternative B: Proposed Action.**

FWP proposes to accept the donation of 1.5 acres from Carbon County along the Clarks Fork Yellowstone River at Edgar, Montana for the purpose of providing additional public access to the Clarks Fork Yellowstone River and developing a fishing access site (FAS). Proposed developments include a designated parking area, a gravel boat ramp, a gravel access road, boundary fencing, and informational signs.

**11. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:**

FWP would employ Best Management Practices (BMP) (*Appendix D*), which are designed to reduce or eliminate sediment delivery to waterways during construction. FWP would develop the final design and specifications for the Proposed Action. All county, state and federal permits listed in Part I 8(a) above would be obtained by FWP as required. A private contractor selected through the State's contracting processes would complete the construction.

## PART II. ENVIRONMENTAL REVIEW CHECKLIST

Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

### A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Soil instability or changes in geologic substructure?		X				1a.
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?			X		Yes	1b.
c. Destruction, covering or modification of any unique geologic or physical features?		X				1c.
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?			X		Yes	1d.
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				

- 1a. The Proposed Action would not affect existing soil patterns, structures, productivity, fertility, erosion, compaction, or instability. Soil and geologic substructure would remain stable during and after the proposed work.
- 1b. During construction, some minor modifications to the existing soil features would be required for construction of the parking area, boat ramp, and access road. Disturbed areas would be seeded with a native seed mix to minimize erosion and sediment delivery to the Clarks Fork Yellowstone River and the spread of noxious weeds. The property is currently managed for wildlife habitat and is not in agricultural production. The Proposed Action would not affect soil productivity or fertility. FWP Best Management Practices (BMP) would be followed during all phases of construction to minimize erosion (*Appendix D*).
- 1c. No unique geologic or physical features would be altered by the Proposed Action.
- 1d. The proposed project would have minor impacts on the bank of the Clarks Fork Yellowstone River. Minor amounts of sediment may enter the river during construction of the parking area, boat ramp, and access road. However, upon completion, erosion and sedimentation to the river would be improved.



2. <u>AIR</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)			X		Yes	2a.
b. Creation of objectionable odors?		X				2b.
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regulations? (Also see 2a.)		X				2e.

- 2a. Dust may be temporarily generated during construction of the boat ramp, parking area, and access road. If additional materials were needed off-site, loading at the source site would generate minor amounts of dust. FWP would follow FWP BMP during all phases of construction to minimize risks and reduce dust. See *Appendix D* for the BMP. Diesel equipment would be used to implement the Proposed Action. There would be a temporary increase in diesel exhaust. If the Proposed Action were implemented, odors from diesel exhaust would dissipate rapidly. The impacts would be short term and minor.
- 2e. The proposed project would have no impact on air quality in the vicinity of Wildcat FAS and would not result in any discharge that could conflict with federal or state air quality regulations.

3. <b>WATER</b>  Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?			X		Yes	3a.
b. Changes in drainage patterns or the rate and amount of surface runoff?			X		Yes	3b.
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?			X		Yes	3d.
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?			X		Yes	3h.
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)			X		X	3l.
m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)			X		Yes	3m.

- 3a. The proposed developments may cause a temporary, localized increase in turbidity in the Clarks Fork Yellowstone River. FWP would obtain a Montana Department of Environmental Quality (DEQ) 318 Authorization Permit for Short Term Water Quality Standard for Turbidity. FWP BMPs would be followed during all construction (*Appendix D*).
- 3b. Construction of a designated parking area, gravel boat ramp, and gravel access road may alter surface runoff. The Proposed Action would be designed to minimize any effect on surface water, surface runoff, and drainage patterns. FWP BMP would be followed (*Appendix D*).
- 3d. There may be a minor, temporary increase of runoff during construction. FWP BMP would be followed (*Appendix D*).
- 3h. The use of heavy equipment during construction may result in a slight risk of contamination from petroleum products and a temporary increase in sediment delivery to the river. FWP

BMPs would be followed during all phases of construction to minimize these risks (*Appendix D*).

- 3l. According to the Carbon County Floodplain Administrator, all of the proposed project site would be located within a designated floodplain, as shown on the Federal Emergency Management Agency (FEMA) Map #30009C0305D, Panel # 305 of 1500, effective date December 4, 2012. The proposed boat ramp, parking area, and access road would be located within the 100-year floodplain, with a 1% annual chance of a flood hazard. Permits from FWP, Montana Department of Environmental Quality (DEQ), the US Army Corps of Engineers, and Carbon County will be obtained to insure the proposed project will follow federal, state, and county floodplain and water quality regulations.
- 3m. All impacts to water quality resulting from construction would be temporary. Water quality of the river could improve because of the proposed project by reducing sediment delivery to the river and riverbank erosion.

4. <b>VEGETATION</b>  Will the proposed action result in?	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X		Yes Positive	4a.
b. Alteration of a plant community?		X				4b.
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c.
d. Reduction in acreage or productivity of any agricultural land?		X				4d.
e. Establishment or spread of noxious weeds?			X		Yes	4e.
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		X				4f.
g. Other:						

- 4a. The Proposed Action would have positive impacts on the plant communities and diversity of the site by removing the invasive Russian olive trees that line a portion of the riverbank. In addition, all disturbed areas would be reseeded to reduce erosion and weed establishment and to encourage the growth of native riparian plant communities. The parking area would be constructed over a site previously disturbed during road and bridge construction. Construction of the boat ramp, access road, and parking area fencing and signs would have a minor impact on the vegetation and a minimal number of trees and shrubs would be removed during construction. Because the construction area is small, impacts from construction would be minor.
- 4b. The Proposed Action would not alter the composition of plant communities at the site. The primary ecological system found on Wildcat FAS is Great Plains Floodplain, as defined by the Montana Natural Heritage Program (MNHP), and is dominated by plains cottonwood and willow. Common native plant species found on the proposed project site include plains



cottonwood, sandbar willow, peachleaf willow, snowberry, red osier dogwood, golden currant, Wood's rose, showy milkweed, and American licorice.

Common introduced species found on the property include crack (yellow) willow, apple, lilac, Russian olive, smooth brome, Kentucky bluegrass, tall wheatgrass, cheatgrass, dandelion, and burdock. Isolated spotted knapweed plants were found on the site and invasive cheatgrass and Russian olive, classified as Regulated Species by the Montana Department of Agriculture, are common on the site.

- 4c. A search of the Montana Natural Heritage Program's (MNHP) Species of Concern database found no vascular or non-vascular plant Species of Concern within the boundaries of Wildcat FAS.
- 4d. Livestock grazing is not allowed on the FAS and no portion of the property is under agricultural production
- 4e. Isolated spotted knapweed plants, a noxious weed as designated by the Montana Department of Agriculture, and dense populations of invasive cheatgrass and Russian olive, regulated species, are found along East Pryor Road, near the riverbank, and on the project site. In conjunction with the Carbon County Weed Department, FWP would implement the Statewide Integrated Weed Management Plan using chemical, biological, and mechanical methods to control weeds on the property. Weed management would also include the establishment of native vegetation to prevent the spread of weeds. Vehicles would be restricted to the parking areas and access roads, which would be maintained as weed-free, and vehicles would not be allowed on undisturbed areas to minimize the spread of noxious weeds. Weed control costs for Wildcat FAS in 2018 would be approximately \$1,500, which includes spraying by both FWP and Carbon County Weed Department.
- 4f. According to a search of the Natural Resource Conservation Service (NRCS) Web Soil Survey on May 15, 2017, most of the proposed project site is classified as Prime Farmland if Irrigated. However, the site has not been under agricultural production for years. A search of the MNHP Wetland and Riparian Mapping Program on April 18, 2017 and a site visit by FWP staff found that no wetland is located on the project site, though dense stands of riparian shrubs and several mature plains cottonwood are located along the river bank. Because the site has been previously disturbed by road and bridge construction and the project is small, the proposed project would have very little impact on the riparian vegetation found along the Clarks Fork Yellowstone River.

5. <u>FISH/WILDLIFE</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Deterioration of critical fish or wildlife habitat?		X				5a.
b. Changes in the diversity or abundance of game animals or bird species?		X				5b.
c. Changes in the diversity or abundance of nongame species?		X				5c.
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f.
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				
h. For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		X				
i. For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		X				

5a. The proposed developments are designed to minimize impacts to wildlife habitat. A minimal number of trees and shrubs would be removed for construction of the boat ramp, parking area, and access road and efforts would be made to preserve all large healthy trees and snags where possible. Construction would take place in fall and winter to avoid disturbance to nesting birds. However, this stretch of the Clarks Fork Yellowstone River is not considered critical habitat for any fish or wildlife species.

5b/5c The proposed project would have no impact on the diversity or abundance of game or non-game wildlife species. Common wildlife species whose habitat distribution overlaps the proposed Wildcat FAS include white-tailed and mule deer, mountain lion, black bear, beaver, northern river otter, bald eagle, osprey, sandhill crane, ring-necked pheasants, wild turkeys, common merganser, common goldeneye, and great blue heron. A wide variety of resident and migratory bird species use or travel through the area on a seasonal basis, including a variety of raptors, waterfowl, and songbirds.

Per Jason Rhoten, FWP Region 5 Fisheries Biologist, and a review of Montana Fisheries Information System (MFISH) database, common game fish found in the Clarks Fork Yellowstone River in the vicinity of Wildcat FAS include burbot and mountain whitefish. In addition, walleye and rainbow, Yellowstone cutthroat, and brown trout are rarely found in this stretch of the Clarks Fork Yellowstone River. Common non-game species found in this reach include longnose sucker, mountain sucker, white sucker, longnose dace, stonecat, and river carpsucker. Due to the small scale of the project, the project is unlikely to impact the fishery or aquatic habitat of the Clarks Fork Yellowstone River.

- 5f. A search of the Montana Natural Heritage Program (MNHP) element occurrence database indicates occurrences of bald eagle (listed as DM by the US Fish and Wildlife Service (USFWS)), within the Proposed Action site. No other occurrences of federally ranked, or considered for ranking, animal or plant species have been found within the vicinity of the Proposed Action site. The search indicated that greater sage-grouse, sharp-tailed grouse, white-faced ibis, and spiny softshell, Montana animal Species of Concern, have been observed in or near the Proposed Action site. According to Shawn Stewart, FWP Region 5 Wildlife Biologist, a wolverine (listed as Proposed Threatened by the USFWS, and Sensitive by the US Forest Service (USFS) and US Bureau of Land Management (BLM)) was documented in the immediate vicinity of Edgar a few years ago and a couple other credible wolverine sightings have been reported. A wolverine movement corridor map produced by the Wildlife Conservation Society a few years ago shows this area as a possible connectivity corridor for wolverines. However, the project would not have a significant impact on wolverine habitat.

Per Shawn Stewart, FWP Region 5 Wildlife Biologist, the proposed project is unlikely to impact bald eagle. The nearest bald eagle nest is approximately 1 mile downstream of the FAS, which is outside of the recommended 0.5-mile distance in the Montana Bald Eagle Management Plan, indicating the proposed project would have no effect on bald eagles. While bald eagles were officially delisted in 2007, the USFWS has jurisdiction protecting this species under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). In addition, the proposed project is also unlikely to impact bald eagle as this species are accustomed to some level of disturbance in the area. The area surrounding the FAS has been disturbed by E Pryor Road, nearby agricultural activities; the nearby residential development, and pioneered recreational use of the site for years. According to Megan O'Reilly, Region 5 non-game Wildlife Biologist, the proposed project is also unlikely to impact greater sage-grouse, white-faced ibis, and spiny softshell because the proposed FAS is small and does not provide habitat that would support these species. Even though the site may provide winter habitat for sharp-tailed grouse, the site is small and would have no impact on sharp-tailed grouse.

According to Abigail Nelson, FWP Region 5 Wolf Biologist, Wildcat FAS is within the habitat of the gray wolf. Currently there are no radio-collared packs with a home range that overlaps the project area. While it is possible for wolves to travel through the project area, none have been recently sighted in the immediate area. The wolf population in Montana is strong and wolves may pass through just about any area including this site. FWP has no concerns with this project impacting gray wolves.



## B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?			X		Yes	6a.
b. Exposure of people to serve or nuisance noise levels?			X		Yes	6b.
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				

- 6a. Construction equipment would cause a temporary, minor increase in noise levels at the project site. Any increase in noise level at the construction site would be short term and minor.
- 6b. Wildcat FAS is located within ½ mile of the town of Edgar and is near other residential development, with the closest residence adjacent to the proposed FAS and another five residences and ranches within ¼ mile. The minor and temporary increase of noise levels during construction may be heard by nearby neighbors and visitors, though this is an area already impacted by noise from road traffic and seasonal farm equipment. FWP would follow the guidelines of the good neighbor policy, all of which would mitigate increased noise levels and would limit construction to periods of low visitation to minimize disturbance to others.

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				7a.
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				7d.

- 7a. Land use would not change at Wildcat FAS so the proposed project would have no impact on the productivity or profitability of the FAS.
- 7d. The Proposed Action would have no adverse affect on nearby residences.

8. <u>RISK/HEALTH HAZARDS</u>  Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X		Yes	8a.
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?			X		Yes Positive	8c.
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a)			X		Yes	8d.

- 8a. Physical disturbance of the soil during construction would encourage the establishment of additional noxious weeds on the site. In conjunction with the Carbon County Weed District, FWP would implement an integrated approach to control noxious weeds, as outlined in the FWP Statewide Integrated Noxious Weed Management Plan. The integrated plan uses a combination of biological, mechanical, and herbicidal treatments to control noxious weeds. The use of herbicides would be in compliance with application guidelines to minimize the risk of chemical spills or water contamination and applied by people trained in safe handling techniques.

There is a minor and temporary risk of fuel or oil from heavy equipment accidentally being released into the flood plain during construction. Contractors would have absorbent materials on site to minimize any hydrocarbon releases, as well as conduct startup inspection of all hydraulic lines and cylinder seals daily to reduce the potential for a release. FWP would follow FWP BMP during all phases of construction to minimize risks (*Appendix D*).

- 8c. The proposed project would improve public safety by improving boat launching facilities, providing adequate parking, and improving traffic flow, thereby minimizing vehicle conflicts between visitors.
- 8d. The use of herbicides to control noxious weeds could result in temporary water contamination from an inadvertent spill. The use of herbicides would be in compliance with application guidelines, outlined in the FWP Statewide Integrated Noxious Weed Management Plan, to minimize this risk and would be applied by people trained in safe handling techniques.

9. <b>COMMUNITY IMPACT</b>  Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				9c.
d. Changes in industrial or commercial activity?		X				9d.
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				9e.

- 9c. The Proposed Action may improve recreational use of the area by improving boat launching and parking facilities. This would benefit local retail and service businesses (*Appendix C - Tourism Report*).
- 9d. There would be no change in commercial use of the site.
- 9e. The proposed developments would give boaters and floaters another opportunity to access this stretch of the Clarks Fork Yellowstone River. Since it is likely that the proposed project would increase recreational use of the site, there could be a small increase in traffic on Wildcat Road on the short section between the interstate and the FAS. Otherwise, the Proposed Action would have little or no impact on traffic on Wildcat Road and any impacts to traffic would be minor and concentrated on weekends during the peak season. The Proposed Action also would not alter the distribution of population in the area.

10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u>  Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				10a.
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				10b.
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased use of any energy source?		X				
e. Define projected revenue sources		X				10e.
f. Define projected maintenance costs.		X				10f.

- 10a. The Proposed Action would have no impact on public services or utilities. The proposed developments would require periodic maintenance by FWP and the site would continue to be patrolled by FWP.
- 10b. The Proposed Action would have no effect on the local and state tax base and revenue because FWP pays property taxes in an amount equal to that of a private individual.
- 10e. Because Wildcat FAS would be operated for day use only, no revenue would be generated from camping fees.
- 10f. Projected annual operating, maintenance, weed control, and personnel expense for fiscal year 2018 is estimated to total approximately \$3,000 per year.

11. <b><u>AESTHETICS/RECREATION</u></b> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?			X		Yes Positive	11a.
b. Alteration of the aesthetic character of a community or neighborhood?		X				11b.
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)			X		Yes Positive	11c.
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		X				11d.

11a/b. By removing invasive Russian olive trees and re-vegetating those areas with native riparian vegetation, the Proposed Action would improve the aesthetic values of the FAS.

11c. The Proposed Action would improve recreational use of the area by improving boat launching and parking facilities of the FAS. This could benefit local retail and service businesses (*Appendix C - Tourism Report*).

11d. No designated wild or scenic rivers, trails, or wilderness areas would be impacted by the proposed developments.

12. <b><u>CULTURAL/HISTORICAL RESOURCES</u></b> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				12a.
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		X				12d.

12a/d. Prior to the commencement of construction, FWP will contact the State Historic Preservation Office (SHPO) and seek a concurrence from SHPO on FWP recommendations for the project. If cultural materials are discovered during construction, work would cease and SHPO would be contacted for a more in-depth investigation.



## SIGNIFICANCE CRITERIA

13. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u>  Will the proposed action, considered as a whole:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		X				13f.
g. For P-R/D-J, list any federal or state permits required.		X				13g.

During construction of the proposed project, there may be minor and temporary impacts to the physical environment, but the impacts would be short-term and the developments would benefit the community and recreational opportunities over the long-term. The Proposed Action would have no negative cumulative effects on the biological, physical, and human environments. When considered over the long-term, the Proposed Action positively impacts the public's recreational use of the popular Clarks Fork Yellowstone River.

- 13f. The proposed project is designed to improve recreational facilities on the site and is not expected to generate organized opposition or substantial public controversy.
- 13g. The U.S. Army Corps of Engineer 404 Federal Clean Water Act is the only federal permit required for the proposed development. The Montana DEQ 318 Short Term Water Quality Standard for Turbidity and the FWP 124 Montana Stream Protection Act are the only state permits required for the proposed development. In addition, a Carbon County Floodplain permit would also be required.

### **PART III. NARRATIVE EVALUATION AND COMMENT**

During construction of the proposed project, there may be minor and temporary impacts to the physical environment, but the impacts would be short-term and the developments would benefit the community and recreational opportunities over the long-term. The Proposed Action would have no negative cumulative effects on the biological, physical, and human environments. When considered over the long-term, the Proposed Action positively impacts the public's recreational use of the popular Clarks Fork Yellowstone River.

The minor impacts to the environment that were identified in the previous section are small in scale and would not influence the overall environment of the immediate area. The natural environment would continue to provide habitat to transient and permanent wildlife species and would be open to the public for river access.

The Proposed Action would not impact the local wildlife species that frequent the property and the project would be designed to avoid conditions that stress wildlife populations. This stretch of the Clarks Fork Yellowstone River is also not considered critical habitat for any fish or wildlife species.

Though bald eagle, greater sage-grouse, sharp-tailed grouse, white-faced ibis, and spiny softshell, Montana animal Species of Concern, have been observed in the vicinity of the proposed project site, the proposed project is unlikely to impact these species. Construction would commence in Fall 2017, well after critical nesting periods. In addition, these species are likely accustomed to disturbance from E Pryor Road, agriculture, and residential development in the area for years. While it is possible for wolves to travel through the project area, none have been sighted and there is no pack located in the area, so it is unlikely that the Proposed Action would impact gray wolves.

Soils disturbed during construction could colonize with weeds. Disturbed areas would be re-seeded with a native reclamation seed mix where to reduce the establishment of weeds. In conjunction with Carbon County Weed Control District, FWP would implement the Statewide Integrated Weed Management Plan using chemical, biological and mechanical methods to control weeds on the property.

The proposed acquisition and development of Wildcat FAS would provide safe and convenient river access for fishing, boating, and floating in addition to improving recreational opportunities for hunting, picnicking, dog-walking, and wildlife viewing. The proposed project would increase recreational use of this stretch of the Clarks Fork Yellowstone River.

### **PART IV. PUBLIC PARTICIPATION**

#### **1. Public involvement:**

The public will be notified in the following manners to comment on the Wildcat FAS Proposed Acquisition and Development Project, the Proposed Action and alternatives:

- Two public notices in each of these papers: *The Billings Gazette*, *the Laurel Outlook*, and *the Helena Independent Record*.
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.
- Draft EA's will be available at the FWP Region 5 Headquarters in Billings and the FWP State Headquarters in Helena.
- A news release will be prepared and distributed to a standard list of media outlets

- interested in FWP Region 5 issues.
- Copies of this environmental assessment will be distributed to neighboring landowners and interested parties to ensure their knowledge of the Proposed Action.

This level of public notice and participation is appropriate for a project of this scope having limited impacts, many of which can be mitigated.

If requested within the comment period, FWP will schedule and conduct a public meeting on this Proposed Action.

## **2. Duration of comment period:**

The public comment period will extend for (30) thirty days. Written comments will be accepted until 5:00 p.m., August 21, 2017 and can be mailed to the addresses below:

Wildcat FAS Proposed Acquisition and Development Project  
Montana Fish, Wildlife and Parks, Region 5  
2300 Lake Elmo Drive  
Billings, MT 59105  
(406) 247-2940

## **PART V. EA PREPARATION**

### **1. Based on the significance criteria evaluated in this EA, is an EIS required? NO If an EIS is not required, explain why the EA is the appropriate level of analysis for this Proposed Action.**

Based on an evaluation of impacts to the physical and human environment under MEPA, this environmental review revealed no significant negative impacts from the Proposed Action: therefore, an EIS is not necessary and an environmental assessment is the appropriate level of analysis. In determining the significance of the impacts, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur or reasonable assurance that the impact would not occur. FWP assessed the growth-inducing or growth-inhibiting aspects of the impact, the importance to the state and to society of the environmental resource or value effected, any precedent that would be set as a result of an impact of the Proposed Action that would commit FWP to future actions; and potential conflicts with local, federal, or state laws. As this EA revealed no significant impacts from the Proposed Actions, an EA is the appropriate level of review and an EIS is not required.

### **2. Person(s) responsible for preparing the EA:**

Ryan Taynton  
Region 5 Fishing Access Site Manager  
2300 Lake Elmo Drive  
Billings, MT 59105  
[rtaynton@mt.gov](mailto:rtaynton@mt.gov)  
(406) 247-2964

Andrea Darling  
FWP EA Contractor  
39 Big Dipper Drive  
Montana City, MT 59634  
[apdarling@gmail.com](mailto:apdarling@gmail.com)

### **3. List of agencies or offices consulted during preparation of the EA:**

Montana Department of Commerce – Tourism  
Montana Fish, Wildlife & Parks  
Design and Construction

Lands Unit  
Legal Unit  
Fisheries Division  
Wildlife Division  
Montana Natural Heritage Program – Natural Resources Information System (NRIS)  
Montana State Historic Preservation Office

## **APPENDICES**

- A. MCA 23-1-110 Qualification Checklist
- B. Environmental Summary Report - Montana Natural Heritage Program
- C. Tourism Report – Department of Commerce
- D. Montana Fish, Wildlife and Parks Best Management Practices

## APPENDIX A

### HB495 PROJECT QUALIFICATION CHECKLIST

**Date:** April 17, 2017

**Person Reviewing:** Andrea Darling

**Project Location:** Wildcat FAS is located along the Clarks Fork Yellowstone River .4 miles east of Edgar, Montana on E Pryor Road in Carbon County, SE1/4 Section 23 and SW1/4 24, Township 4 South, Range 23 East.

**Description of Proposed Work:** Montana Fish, Wildlife & Parks (FWP) proposes to accept the donation of 1.5 acres from Carbon County along the Clarks Fork Yellowstone River at Edgar, Montana for the purpose of providing public access to the Clarks Fork Yellowstone River and developing a fishing access site (FAS). Proposed developments include a designated parking area, a gravel boat ramp, a gravel access road, boundary fencing, and informational signs.

The following checklist is intended to be a guide for determining whether a proposed action or improvement is of enough significance to fall under 23-1-110 rules. (Please check all that apply and comment as necessary.)

- ☒ **A. New roadway or trail built over undisturbed land?**  
Comments: A new roadway would be built over undeveloped but previously disturbed land.
- ☐ **B. New building construction (buildings <100 sf and vault latrines exempt)?**  
Comments: No new construction.
- ☒ **C. Any excavation of 20 c.y. or greater?**  
Comments: Possibly for the boat ramp and parking area.
- ☒ **D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?**  
Comments: The parking area will increase capacity by more than 25% but will be built on disturbed land.
- ☐ **E. Any new shoreline alteration that exceeds a doublewide boat ramp or handicapped fishing station?**  
Comments: No shoreline alteration other than for a single-wide gravel boat ramp.
- ☒ **F. Any new construction into lakes, reservoirs, or streams?**  
Comments: The boat ramp would be built along the Clarks Fork Yellowstone River bank.
- ☐ **G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?**  
Comments: SHPO has been contacted. See Appendix E for SHPO concurrence.
- ☐ **H. Any new above ground utility lines?**  
Comments: No new utility lines.
- ☐ **I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?**  
Comments: No campsites would be constructed.
- ☐ **J. Proposed project significantly changes the existing features or use pattern, including effects of a series of individual projects?**  
Comments: No. The Proposed Action would not affect existing features or use patterns.

**If any of the above are checked, HB 495 rules apply to this proposed work and should be documented on the MEPA/HB495 CHECKLIST. Refer to MEPA/HB495 Cross Reference Summary for further assistance.**



## APPENDIX B

### ENVIRONMENTAL SUMMARY REPORT MONTANA NATURAL HERITAGE PROGRAM Sensitive Plants and Animals in the Vicinity of Wildcat Fishing Access Site

#### **Species of Concern Terms and Definitions**

A search of the Montana Natural Heritage Program (MNHP) element occurrence database (<http://nris.mt.gov>) indicates occurrences of bald eagle within the Proposed Action site. No other occurrences of federally ranked, or considered for ranking, animal or plant species have been found within the vicinity of the Proposed Action site. The search indicated that greater sage-grouse, sharp-tailed grouse, white-faced ibis, and spiny softshell, Montana animal Species of Concern, have been observed in or near the Proposed Action site. More information on these species is included below.

**Montana Species of Concern.** The term “Species of Concern” includes taxa that are at-risk or potentially at-risk due to rarity, restricted distribution, habitat loss, and/or other factors. The term also encompasses species that have a special designation by organizations or land management agencies in Montana, including: Bureau of Land Management Special Status and Watch species; U.S. Forest Service Sensitive and Watch species; U.S. Fish and Wildlife Service Threatened, Endangered and Candidate species.

#### **Status Ranks (Global and State)**

The international network of Natural Heritage Programs employs a standardized ranking system to denote global (**G** -- range-wide) and state status (**S**) (Nature Serve 2003). Species are assigned numeric ranks ranging from 1 (critically imperiled) to 5 (demonstrably secure), reflecting the relative degree to which they are “at-risk”. Rank definitions are given below. A number of factors are considered in assigning ranks -- the number, size and distribution of known “occurrences” or populations, population trends (if known), habitat sensitivity, and threat. Factors in a species’ life history that make it especially vulnerable are also considered (e.g., dependence on a specific Pollinator).

#### **U.S. Fish and Wildlife Service (Endangered Species Act)- Terms and Definitions**

**LE. Listed endangered:** Any species in danger of extinction throughout all or a significant portion of its range.

**LT. Listed threatened:** Any species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

**C. Candidate:** Those taxa for which sufficient information on biological status and threats exists to propose to list them as threatened or endangered.

**DM. Recovered, delisted, and being monitored** - Any previously listed species that is now recovered, has been delisted, and is being monitored.

**BGEPA. The Bald and Golden Eagle Protection Act of 1940 (BGEPA)** prohibits anyone, without a permit issued by the Secretary of the Interior, from taking bald or golden eagles, including their parts, nests, or eggs. The BGEPA provides criminal and civil penalties for persons who take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport,

export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof.

**MBTA. The Migratory Bird Treaty Act (MBTA)** implements four treaties that provide for international protection of migratory birds. The statute's language is clear that actions resulting in a "taking" or possession (permanent or temporary) of a protected species is a violation of the MBTA.

**BCC. Birds of Conservation Concern 2008.** The 1988 amendment to the Fish and Wildlife Conservation Act mandates the U.S. Fish and Wildlife Service to identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act

Status Ranks	
Code	Definition
<b>G1</b> <b>S1</b>	At high risk because of extremely limited and/or rapidly declining numbers, range, and/or habitat, making it highly vulnerable to global extinction or extirpation in the state.
<b>G2</b> <b>S2</b>	At risk because of very limited and/or declining numbers, range, and/or habitat, making it vulnerable to global extinction or extirpation in the state.
<b>G3</b> <b>S3</b>	Potentially at risk because of limited and/or declining numbers, range, and/or habitat, even though it may be abundant in some areas.
<b>G4</b> <b>S4</b>	Uncommon but not rare (although it may be rare in parts of its range), and usually widespread. Apparently not vulnerable in most of its range, but possibly cause for long-term concern.
<b>G5</b> <b>S5</b>	Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.

**MFWP Conservation Need.** Under Montana's Comprehensive Fish and Wildlife Conservation Strategy of 2005, individual animal species are assigned levels of conservation need as follows:

- Tier I.** Greatest conservation need. Montana FWP has a clear obligation to use its resources to implement conservation actions that provide direct benefit to these species, communities and focus areas.
- Tier II.** Moderate conservation need. Montana FWP could use its resources to implement conservation actions that provide direct benefit to these species communities and focus areas.
- Tier III.** Lower conservation need. Although important to Montana's wildlife diversity, these species, communities and focus areas are either abundant or widespread or are believed to have adequate conservation already in place.
- Tier IV.** Species that are non-native, incidental or on the periphery of their range and are either expanding or very common in adjacent states.

## SENSITIVE PLANTS AND ANIMALS IN THE VICINITY OF

## WILDCAT FISHING ACCESS SITE

### 1. *Haliaeetus leucocephalus* (Bald Eagle)

*Montana Special Status Species*

*Vertebrate animal- Bird*

Natural Heritage Ranks

State: **S4**

Global: **G5**

*Habitat -Riparian Forest*

Federal Agency Status:

U.S. Fish and Wildlife Service: **DM; BGEPA; MBTA; BCC10; BCC11, BCC17**

U.S. Forest Service: **Sensitive**

U.S. Bureau of Land Management: **Sensitive**

Element Occurrence data was reported of bald eagle within the project area.

### 2. *Centrocercus urophasianus* (Greater Sage-Grouse)

*Montana Animal Species of Concern- Species Occurrences*

*Vertebrate animal- Bird*

Natural Heritage Ranks

State: **S2**

Global: **G3G4**

*Habitat –Sagebrush*

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service: **Sensitive**

U.S. Bureau of Land Management: **Sensitive**

Element Occurrence data was reported of greater sage-grouse within one mile of the project area.

### 3. *Tympanuchus phasianellus* (Sharp-tailed Grouse)

*Montana Animal Species of Concern- Observed*

*Vertebrate animal- Bird*

Natural Heritage Ranks

State: **S1, S4**

Global: **G5**

*Habitat- Shrub Grasslands*

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management:

Element Occurrence data was reported of sharp-tailed grouse within one mile of the project area.

### 4. *Plegadis chihi* (White-faced Ibis)

*Montana Animal Species of Concern- Observed*

*Vertebrate animal- Bird*

Natural Heritage Ranks

State: **S3B**

Global: **G5**

*Habitat- Wetlands*

Federal Agency Status:

U.S. Fish and Wildlife Service: **MBTA**

U.S. Forest Service:

U.S. Bureau of Land Management: **Sensitive**

Element Occurrence data was reported of white-faced ibis within two miles of the project area.

**5. Apalone spinifera (Spiny Softshell)**

*Montana Animal Species of Concern- Species Occurrences*

*Vertebrate animal- Reptiles*

*Habitat- Prairie Rivers and Larger Streams*

Natural Heritage Ranks

Federal Agency Status:

State: **S3**

U.S. Fish and Wildlife Service:

Global: **G5**

U.S. Forest Service:

U.S. Bureau of Land Management: **Sensitive**

Element Occurrence data was reported of spiny softshell within the project area.

**APPENDIX C**

# TOURISM REPORT

## MONTANA ENVIRONMENTAL POLICY ACT (MEPA) & MCA 23-1-110

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by MCA 23-1-110 and the Montana Environmental Policy Act in its consideration of the project described below. As part of the review process, input and comments are being solicited. Please complete the project name and project description portions and submit this form to:

Jan Stoddard, Visitor Services Manager  
Travel Montana-Department of Commerce  
301 S. Park Ave.  
Helena, MT 59601

**Project Name:** Wildcat Fishing Access Site Proposed Acquisition and Development

**Project Description:** Montana Fish, Wildlife & Parks (FWP) proposes to accept the donation of 1.5 acres from Carbon County along the Clarks Fork Yellowstone River at Edgar, Montana for the purpose of providing additional public access to the Clarks Fork Yellowstone River and developing a fishing access site (FAS). Proposed developments include a designated parking area, a gravel boat ramp, a gravel access road, boundary fencing, and informational signs.

1. Would this site development project have an impact on the tourism economy?  
NO YES If YES, briefly describe:

Yes, as described, the project has the potential to positively impact the tourism and recreation industry economy if properly maintained. The Clarks Fork Yellowstone is marketed to destination visitors from around the world emphasizing its recreational opportunities (floating, fishing, camping, hiking, and sightseeing) and its breath-taking views. It is also known for its deep historical ties with the Lewis and Clark Expedition and Nez Pierce odyssey. It is also an essential asset for Montana's outdoor recreation industry.

We are assuming the agency has determined it has necessary funding for the on-going operations and maintenance once this project is complete.

2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?  
NO YES If YES, briefly describe

Yes, as described, the project has the potential to improve quality and quantity of tourism and recreational opportunities if properly maintained. These improvements including a designated parking area, a gravel boat ramp, a gravel access road, boundary fencing, and informational signs are critical to the safety and usability of by users, including non-resident visitors. We are assuming the agency has determined it has necessary funding for the on-going operations and maintenance once this project is complete.

Signature Jan Stoddard Date: 4/18/17

## APPENDIX D



# **MONTANA FISH, WILDLIFE AND PARKS**

## **BEST MANAGEMENT PRACTICES**

10-02-02

Updated May 1, 2008

### **I. ROADS**

#### **A. Road Planning and location**

1. Minimize the number of roads constructed at the FAS through comprehensive road planning, recognizing foreseeable future uses.
  - a. Use existing roads, unless use of such roads would cause or aggravate an erosion problem.
2. Fit the road to the topography by locating roads on natural benches and following natural contours. Avoid long, steep road grades and narrow canyons.
3. Locate roads on stable geology, including well-drained soils and rock formations that tend to dip into the slope. Avoid slumps and slide-prone areas characterized by steep slopes, highly weathered bedrock, clay beds, concave slopes, hummocky topography, and rock layers that dip parallel to the slope. Avoid wet areas, including seeps, wetlands, wet meadows, and natural drainage channels.
4. Minimize the number of stream crossings.
  - a. Choose stable stream crossing sites. "Stable" refers to streambanks with erosion-resistant materials and in hydrologically safe spots.

#### **B. Road Design**

1. Design roads to the minimum standard necessary to accommodate anticipated use and equipment. The need for higher engineering standards can be alleviated through proper road-use management. "Standard" refers to road width.
2. Design roads to minimize disruption of natural drainage patterns. Vary road grades to reduce concentrated flow in road drainage ditches, culverts, and on fill slopes and road surfaces.

#### **C. Drainage from Road Surface**

1. Provide adequate drainage from the surface of all permanent and temporary roads. Use outsloped, insloped or crowned roads, installing proper drainage features. Space road drainage features so peak flow on road surface or in ditches will not exceed their capacity.
  - a. Outsloped roads provide means of dispersing water in a low-energy flow from the road surface. Outsloped roads are appropriate when fill slopes are stable, drainage will not flow directly into stream channels, and transportation safety can be met.
  - b. For insloped roads, plan ditch gradients steep enough, generally greater than 2%, but less than 8%, to prevent sediment deposition and ditch erosion. The steeper gradients may be suitable for more stable soils; use the lower gradients for less stable soils.
  - c. Design and install road surface drainage features at adequate spacing to control erosion; steeper gradients require more frequent drainage features. Properly constructed drain dips can be an economical method of road

surface drainage. Construct drain dips deep enough into the sub-grade so that traffic will not obliterate them.

2. For ditch relief/culverts, construct stable catch basins at stable angles. Protect the inflow end of cross-drain culverts from plugging and armor if in erodible soil. Skewing ditch relief culverts 20 to 30 degrees toward the inflow from the ditch will improve inlet efficiency.
3. Provide energy dissipators (rock piles, slash, log chunks, etc.) where necessary to reduce erosion at outlet of drainage features. Cross-drains, culverts, water bars, dips, and other drainage structures should not discharge onto erodible soils or fill slopes without outfall protection.
4. Route road drainage through adequate filtration zones, or other sediment-settling structures. Install road drainage features above stream crossings to route discharge into filtration zones before entering a stream.

D. Construction/Reconstruction

1. Stabilize erodible, exposed soils by seeding, compacting, riprapping, benching, mulching, or other suitable means.
2. At the toe of potentially erodible fill slopes, particularly near stream channels, pile slash in a row parallel to the road to trap sediment. When done concurrently with road construction, this is one method to effectively control sediment movement and it also provides an economical way of disposing of roadway slash. Limit the height, width and length of these “slash filter windrows” so not to impede wildlife movement. Sediment fabric fences or other methods may be used if effective.
3. Construct cut and fill slopes at stable angles to prevent sloughing and subsequent erosion.
4. Avoid incorporating potentially unstable woody debris in the fill portion of the road prism. Where possible, leave existing rooted trees or shrubs at the toe of the fill slope to stabilize the fill.
5. Place debris, overburden, and other waste materials associated with construction and maintenance activities in a location to avoid entry into streams. Include these waste areas in soil stabilization planning for the road.
6. When using existing roads, reconstruct only to the extent necessary to provide adequate drainage and safety; avoid disturbing stable road surfaces. Consider abandoning existing roads when their use would aggravate erosion.

E. Road Maintenance

1. Grade road surfaces only as often as necessary to maintain a stable running surface and to retain the original surface drainage.
2. Maintain erosion control features through periodic inspection and maintenance, including cleaning dips and cross-drains, repairing ditches, marking culvert inlets to aid in location, and clearing debris from culverts.
3. Avoid cutting the toe of cut slopes when grading roads, pulling ditches, or plowing snow.
4. Avoid using roads during wet periods if such use would likely damage the road drainage features. Consider gates, barricades or signs to limit use of roads

during wet periods.

## II. RECREATIONAL FACILITIES (parking areas, campsites, trails, ramps, restrooms)

### A. Site Design

1. Design a site that best fits the topography, soil type, and stream character, while minimizing soil disturbance and economically accomplishing recreational objectives. Keep roads and parking lots at least 50 feet from water; if closer, mitigate with vegetative buffers as necessary.
2. Locate foot trails to avoid concentrating runoff and provide breaks in grade as needed. Locate trails and parking areas away from natural drainage systems and divert runoff to stable areas. Limit the grade of trails on unstable, saturated, highly erosive, or easily compacted soils
3. Scale the number of boat ramps, campsites, parking areas, bathroom facilities, etc. to be commensurate with existing and anticipated needs. Facilities should not invite such use that natural features will be degraded.
4. Provide adequate barriers to minimize off-road vehicle use

### B. Maintenance: Soil Disturbance and Drainage

1. Maintenance operations minimize soil disturbance around parking lots, swimming areas and campsites, through proper placement and dispersal of such facilities or by reseeding disturbed ground. Drainage from such facilities should be promoted through proper grading.
2. Maintain adequate drainage for ramps by keeping side drains functional or by maintaining drainage of road surface above ramps or by crowning (on natural surfaces).
3. Maintain adequate drainage for trails. Use mitigating measures, such as water bars, wood chips, and grass seeding, to reduce erosion on trails.
4. When roads are abandoned during reconstruction or to implement site-control, they must be reseeded and provided with adequate drainage so that periodic maintenance is not required.

## III. RAMPS AND STREAM CROSSINGS

### A. Legal Requirements

1. Relevant permits must be obtained prior to building bridges across streams or boat ramps. Such permits include the SPA 124 permit, the COE 404 permit, and the DNRC Floodplain Development Permit.

### B. Design Considerations

1. Placement of boat ramp should be such that boats can load and unload with out difficulty and the notch in the bank where the ramp was placed does not encourage bank erosion. Extensions of boat ramps beyond the natural bank can also encourage erosion.
2. Adjust the road grade or provide drainage features (e.g. rubber flaps) to reduce the concentration of road drainage to stream crossings and boat ramps. Direct drainage flow through an adequate filtration zone and away from the ramp or crossing through the use of gravel side-drains, crowning (on natural surfaces) or

- 30-degree angled grooves on concrete ramps.
3. Avoid unimproved stream crossings on permanent streams. On ephemeral streams, when a culvert or bridge is not feasible, locate drive-throughs on a stable, rocky portion of the stream channel.
  4. Unimproved (non-concrete) ramps should only be used when the native soils are sufficiently gravelly or rocky to withstand the use at the site and to resist erosion.

C. Installation of Stream Crossings and Ramps

1. Minimize stream channel disturbances and related sediment problems during construction of road and installation of stream crossing structures. Do not place erodible material into stream channels. Remove stockpiled material from high water zones. Locate temporary construction bypass roads in locations where the stream course will have a minimal disturbance. Time the construction activities to protect fisheries and water quality.
2. Where ramps enter the stream channel, they should follow the natural streambed in order to avoid changing stream hydraulics and to optimize use of boat trailers.
3. Use culverts with a minimum diameter of 15 inches for permanent stream crossings and cross drains. Proper sizing of culverts may dictate a larger pipe and should be based on a 50-year flow recurrence interval. Install culverts to conform to the natural streambed and slope on all perennial streams and on intermittent streams that support fish or that provide seasonal fish passage. Place culverts slightly below normal stream grade to avoid culvert outfall barriers. Do not alter stream channels upstream from culverts, unless necessary to protect fill or to prevent culvert blockage. Armor the inlet and/or outlet with rock or other suitable material where needed.
4. Prevent erosion of boat ramps and the affected streambank through proper placement (so as to not catch the stream current) and hardening (riprap or erosion resistant woody vegetation).
5. Maintain a 1-foot minimum cover for culverts 18-36 inches in diameter, and a cover of one-third diameter for larger culverts to prevent crushing by traffic.